

ORDINANCE NO. 12-37

ORDINANCE OF THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA AMENDING CHAPTER 10 ENTITLED "ANIMALS" OF THE CODE OF ORDINANCES AND IN PARTICULAR AMENDING HIALEAH CODE §10-1 ENTITLED "DEFINITIONS" DEFINING PIGEONS AS A WILD, DANGEROUS OR UNDOMESTICATED ANIMAL AND CREATING AN EXCEPTION FOR RACING OR PIGEONS FOR EXHIBITION AND REVISING HIALEAH CODE § 10-3 ENTITLED "EXCEPTIONS" TO ALLOW THE KEEPING OF PIGEONS, ESTABLISH A LIMIT ON THE NUMBER OF PIGEONS ALLOWED TO BE KEPT, AND ESTABLISH MINIMUM MAINTENANCE STANDARDS; REPEALING ALL ORDINANCES OR PARTS OF ORDINANCES IN CONFLICT HERewith; PROVIDING PENALTIES FOR VIOLATION HEREOF; PROVIDING FOR INCLUSION IN CODE; PROVIDING FOR A SEVERABILITY CLAUSE AND PROVIDING FOR AN EFFECTIVE DATE.

WHEREAS, exhibition and racing of certain breeds of pigeons is enjoyed by many worldwide and is representative of the interests of the members of our community;

WHEREAS, it is in the best interest of the health, safety and general welfare of the community and the residents of the City of Hialeah to establish optimum conditions under which the keeping of pigeons will provide the freedom to those who enjoy the sport and protect the community at large from the recognized health and safety risks and annoyance associated with uncontrolled pigeon populations or feral pigeons in general; and

WHEREAS, the specific purpose and intent of this ordinance is to establish minimum requirements designed to ensure lofts are situated, built and maintained in such a manner as to prevent or minimize the effects on adjoining properties.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND THE CITY COUNCIL OF THE CITY OF HIALEAH, FLORIDA, THAT:

Section 1: Chapter 10 entitled "Animals" of the Code of Ordinances of the

City of Hialeah, Florida, is hereby amended to read as follows:

Chapter 10

ANIMALS

Sec. 10-1. Definitions

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

Wild, dangerous or undomesticated animals means and includes any wild mammal, predatory animal, reptile, game bird, or fowl, not of a species customarily used as ordinary house pets, including pigeons, unless such pigeons are of an ornamental species specifically bred for exhibition or trained as a homing, carrier, tumbling or racing pigeon for the purpose of engaging in the hobby or sport of racing pigeons and kept pursuant to all applicable provisions of the Code, but rather are animals not naturally tame or gentle, that are ordinarily confined to a zoo or exist in the wilderness, or those that would cause a reasonable person to be fearful of bodily harm or property damage because of their wild nature, size or characteristic.

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Sec. 10-3. Exceptions.

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(e) The maintenance of not more than a total of 20 domestic pigeons in the R-1 One-Family District and not more than a total of ten domestic pigeons in the R-4 Townhouses district, including pigeon cocks, pigeon hens, pigeon hatchlings or offspring, of an ornamental species specifically bred for exhibition or trained as a homing, carrier, tumbling or racing pigeon for the purpose of engaging in the hobby or sport of racing pigeons shall be allowed in lofts only in the R-1 One-Family District and the R-4 Townhouses district built and maintained pursuant to the provisions herein and section 98-1680.

(1) A domestic pigeon is one that has been specially bred for exhibition of various traits relating to size, shape, color, and behavior; or trained to compete in the sport of racing; and is identified by a permanent, unique

numbered ring or band placed on its leg that identifies the owner to whom the pigeon is registered. The keeping of pigeons under this provision is for the pleasure and entertainment of the fancier and shall not be bred, kept or used for commercial or gambling purposes. The pigeon fancier must be a member of a chartered club or union with adopted bylaws, membership rules and regulations, and a code of practice for the keeping and racing of pigeons unless waived for good cause. Only pigeons registered to the property owner or lawful tenant, as authorized by the landlord, shall be allowed to be kept on the property. This exception shall not be interpreted as allowing the keeping of wild or feral pigeons.

(2) All pigeons shall be confined to the loft at all times except when the flock is returning from racing or is engaged in free non-racing time as part of a planned or controlled training or exercise regimen for the purpose of maintaining their fitness, performance level or skill. The flight time exercise shall occur no more than twice per day, no later than two hours after sunrise or no later than two hours before sundown, for a maximum of 90 minutes at a time. To prevent aerial soiling of neighboring properties, pigeons should not be fed between 8 to 10 hours before being released for exercise. While in flight, pigeon fanciers shall take every effort to reduce nuisance from aerial soiling to neighboring properties and ensure pigeons do not land on adjoining properties. All watering, feeding, grooming, mating, breeding and any other handling of the pigeons for purposes of care and maintenance shall occur inside the loft. The pigeons shall not be allowed to perch, loaf or roost outside of the loft. While on the premises, the pigeons shall not be allowed any free non-flight time outside of the loft.

(3) The loft shall be kept clean, orderly, dry, ventilated and vermin free at all times. The area surrounding the loft shall be kept clean at all times. All feed must be kept in vermin proof containers. No spilled feed or grains, accumulated loose feathers or accumulated or visible deposits of droppings, standing or pooling water and no other condition shall be permitted to take place on or near the loft so as to create an unsanitary

condition, cause an objectionable odor, attract rats, mice, weasels, skunks, insects or other pests, create a risk of contamination or spread of disease, damage to any vegetation or surface, or comprise a nuisance or aesthetically displeasing condition.

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Section 2: Repeal of Ordinances in Conflict.

All ordinances or parts of ordinances in conflict herewith are hereby repealed to the extent of such conflict.

Section 3: Penalties.

Every person violating any provision of the Code or any ordinance, rule or regulation adopted or issued in pursuance thereof shall be punished by a civil penalty not to exceed \$500.00 within the discretion of the court or administrative tribunal having jurisdiction. Each act of violation and each day upon which any such violation shall occur shall constitute a separate offense. In addition to the penalty described above, the City may pursue other remedies such as abatement of nuisance, injunctive relief, administrative adjudication and revocation of licenses or permits.

Section 4: Inclusion in Code.

The provisions of this ordinance shall be included and incorporated in the Code of Ordinances of the City of Hialeah, as an addition or amendment thereto, and the sections of this ordinance shall be renumbered, as appropriate, to conform to the uniform numbering system of the Code.

Section 5: Severability Clause.

If any phrase, clause, sentence, paragraph or section of this ordinance shall be declared invalid or unconstitutional by the judgment or decree of a court of competent

jurisdiction, such invalidity or unconstitutionality shall not affect any of the remaining phrases, clauses, sentences, paragraphs or sections of this ordinance.

Section 6: Effective Date.

This ordinance shall become effective when passed by the City Council and signed by the Mayor or at the next regularly scheduled City Council meeting, if the Mayor's signature is withheld or if the City Council overrides the Mayor's veto.

PASSED AND ADOPTED this 26th day of June, 2012.

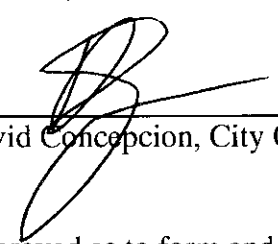
THE FOREGOING ORDINANCE
OF THE CITY OF HIALEAH WAS
PUBLISHED IN ACCORDANCE
WITH THE PROVISIONS OF
FLORIDA STATUTE 166.041
PRIOR TO FINAL READING.



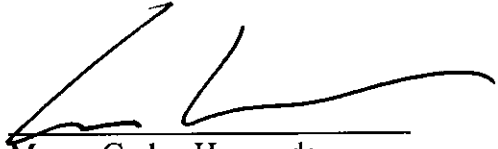
Isis Garcia-Martinez
Council President

Attest:

Approved on this 28th day of June, 2012.



David Concepcion, City Clerk



Mayor Carlos Hernandez

Approved as to form and legal sufficiency:



William M. Grodnick, City Attorney

~~Strikethrough indicates deletion.~~ Underline indicates addition.

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Ordinance was adopted by a unanimous vote with Councilmembers, Caragol, Casals-Muñoz, Cue-Fuente, Garcia-Martinez, Gonzalez, Hernandez and Lozano voting "Yes".